

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

*Ducote*, 16-cv-3940-JNE- DTS  
*Cole*, 17-cv-2166-JNE-DTS  
*Ashby*, 17-cv-2554-JNE- DTS  
*Trewhella*, 17-cv-3159-JNE-DTS  
*Cicccone*, 17-cv-3629-JNE- DTS  
*Chapman*, 17-cv-3850-JNE- DTS  
*Spear*, 17-cv-4886-JNE- DTS  
*Ward*, 17-cv-4893-JNE- DTS  
*Jennings*, 18-cv-1485-JNE- DTS

**DEFENDANTS' FOURTH MOTION  
TO DISMISS FOR FAILURE  
TO COMPLY WITH PRETRIAL  
ORDER NO. 23 AND/OR  
FED. R. CIV. P. 25(a) AND 41(b)**

Pursuant to Pretrial Order No. 23 and Federal Rules of Procedure 25(a) and 41(b), Defendants 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively, "Defendants") respectfully move the Court to dismiss the following actions with prejudice for failure to comply with Pretrial Order No. 23 and Fed. R. Civ. P. 25(a) and 41(b):

Case Number	Title	Firm Name
16-cv-3940-JNE-DTS	<i>Ducote v. 3M Co., et al.</i>	Davis & Crump, P.C.
17-cv-2166-JNE-DTS	<i>Cole v. 3M Co., et al.</i>	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
17-cv-2554-JNE-DTS	<i>Ashby v. 3M Co., et al.</i>	Peterson & Associates
17-cv-3159-JNE-DTS	<i>Trewhella v. 3M Co., et al.</i>	Brown & Crouppen
17-cv-3629-JNE- DTS	<i>Cicccone v 3M Co., et al.</i>	Kennedy Hodges, L.L.P.
17-cv-3850-JNE-DTS	<i>Chapman v. 3M Co., et al.</i>	Kennedy Hodges, L.L.P.
17-cv-4886-JNE-DTS	<i>Spear v. 3M Co., et al.</i>	Brown & Crouppen
17-cv-4893-JNE-DTS	<i>Ward v. 3M Co., et al.</i>	Brown & Crouppen

18-cv-1485-JNE-DTS	<i>Jennings v. 3M Co., et al.</i>	Brown & Crouppen
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As set forth in Defendants' Memorandum in Support of Fourth Motion to Dismiss Cases for Failure to Comply with Pretrial Order No. 23 and/or Fed. R. Civ. P. 25(a) and 41(b), the above-referenced nine (9) matters have failed to meet the requirements of this Court's Order and the federal rules, and dismissal is appropriate.

Dated: November 8, 2018

Respectfully submitted,

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